

**REMARKS**

This Amendment is responsive to the Examiner's Office Action of July 23, 2004. In such Action, claims 1-3, 6-10, 12-23 and 27-30 were rejected under 35 U.S.C. § 102(e) as being anticipated by Gerace. Claims 11 and 24-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gerace. Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gerace in view of Tuzhilin. Applicant respectfully traverses the Examiner's rejection of the claims and offers the foregoing amendments and following remarks in support thereof.

Claims 1-4, 6, 9, 12, 15-20, 27 and 30 have been amended. No new matter has been inserted. Claims 1-30 remain pending in the application. Applicant respectfully requests reconsideration of the Examiner's rejections.

Applicant has amended the independent claims to indicate that a user profile is created from information intentionally inputted by the user and transmitted to the computer associated with the ad profiles and user profiles. As the user inputs the information, the user dictates what ads will be included on the user's interface. If an ad profile does not match the user profile created from the information inputted by the user, then the ad associated with the ad profile will not appear on the user's interface. Thus, the user's interface includes ads corresponding to subject matter that the user has requested. Accordingly, in a sense the user is given a stamp of approval for certain types of advertisements prior to receiving the advertisements.

The Gerace patent fails to create user profiles based on information inputted by a user and also fails to teach of a system or method whereby the user is an active part of determining what advertisements will be displayed or sent to the user. Rather the Gerace patent monitors the activity of the user on the Internet without the user's consent or awareness of the ongoing monitoring activity by the Gerace system. Gerace uses this monitoring to predict what types of advertisements the user would like to have sent to the user's computer. Gerace uses what is commonly referred to as "cookies." No preapproval for certain advertisements by the user is provided by Gerace. Additionally, the teachings of the Gerace invention would be destroyed by substituting the "cookies" user activity

O P E  
JAN 27 2005  
PATENT & TRADEMARK OFFICE  
In re Application of: Frengut, Renee  
Serial No. 09/825,269  
Reply to Office action of July 23, 2004

tracking method which has no intentional user input in contrast to Applicant's unique claimed invention.

Applicant respectfully submits that the Tuzhilin reference fails to correct the deficiencies noted above for Gerace. The Examiner has stated that Tuzhilin teaches that the user profile defines one or more favorite brands, which reads on advertisers or favorite products. Even if this interpretation is correct, Tuzhilin fails to overcome the fundamentally differences of how the user profile is created in Gerace as compared to Applicant's invention, as now claimed. Accordingly, the proposed combination of Gerace and Tuzhilin still fails to teach applicant's unique invention, as now claimed.

For the foregoing reasons, Applicant respectfully requests that the Examiner's rejections be withdrawn and all claims in the subject application be permitted to proceed to allowance.

Applicant has completely responded to the Office Action dated July 23, 2004. Favorable action is respectfully requested.

Any additional charges, including Extensions of Time, please bill our Deposit Account No. 503180.

Respectfully submitted,



Daniel S. Polley, Reg. No. 34,902  
Daniel S. Polley, P.A.  
1215 East Broward Boulevard  
Ft. Lauderdale, FL 33301  
(954) 234-2417

**CUSTOMER NUMBER 44538**

I:\1000\1017 Fregnut - EQR\Patent Amendments\8003(First Amend - Custom Web Page)